

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

VIRGIL L. JARVIS

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:05cv119WJG-JMR

PEARL RIVER COUNTY SHERIFF'S
DEPARTMENT, JOE STUART, JAMES
HOLDEN, CHRIS McINNIS, AND
MONROE MITCHELL

DEFENDANTS

JUDGMENT

THIS MATTER comes before the Court on the Report and Recommendation [44-1] of Chief United States Magistrate Judge John M. Roper entered on or about October 19, 2007, and the Court, having adopted said Report and Recommendation as the finding of this Court by order entered this date, finds that the Defendants' motion [27-1] for summary judgment, and supplemental motion [42-1] for summary judgment [the motions] should be granted in part and denied in part. It is, therefore,

ORDERED AND ADJUDGED that the matters contained within Defendants' request for admission are deemed not to be admitted and Defendants' motions for summary judgment [27-1; 42-1] be, and are hereby, denied in this regard. It is further,

ORDERED AND ADJUDGED that pursuant to Federal Rule of Civil Procedure 36(b), Jarvis will be permitted to withdraw his admissions as further explained in the magistrate judge's Report and Recommendation. It is further,

ORDERED AND ADJUDGED that Defendants' motions for summary judgment

regarding Jarvis' official capacity claims be, and are hereby, granted. It is further,

ORDERED AND ADJUDGED that Defendants' motions for summary judgment for dismissal pursuant to Federal Rule of Civil Procedure 41(b) be, and are hereby, denied. It is further,

ORDERED AND ADJUDGED that Defendants' motions for summary judgment regarding Defendants McInnis' and Mitchell's defenses of qualified immunity be, and are hereby, denied. It is further,

ORDERED AND ADJUDGED that Defendants' motions of summary judgment regarding Defendants Stuart and Holden in their individual capacities be, and are hereby, granted. It is further,

ORDERED AND ADJUDGED that Defendants' motions for summary judgment regarding Jarvis' allegations of unlawful confinement and denial of his Due Process rights, be, and are hereby, granted. It is further,

ORDERED AND ADJUDGED that Defendants' motions for summary judgment regarding Jarvis' Mississippi State Law claims which are barred by the Mississippi Tort Claims Act be, and are hereby, granted.

SO ORDERED AND ADJUDGED this the 27th day of November, 2007.

Walter J. Sex III

UNITED STATES SENIOR DISTRICT JUDGE